

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TAWANNA L.,¹
Plaintiff,

v.

Civil No. 1:23cv521 (DJN)

MARTIN O'MALLEY,²
Commissioner of Social Security,
Defendant.

ORDER
(Adopting Report and Recommendation)

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge John F. Anderson, entered on January 16, 2024. (ECF No. 20.) The time to file objections to the Report and Recommendation has expired, and neither party has objected. The Court has considered the Report and Recommendation and has found no clear error.³ Having considered the matter and deeming it otherwise proper and just to do so, it is hereby ORDERED that:

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to the significant privacy concerns involved in social security cases, federal courts refer to social security claimants only by their first names and last initials.


² On December 20, 2023, Martin O'Malley was confirmed as Commissioner of Social Security, thereby automatically substituting him for Kilolo Kijakazi as the named defendant in this action pursuant to Fed. R. Civ. P. 25(d).

³ In the absence of objections to a magistrate judge's report, a court "need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

1. The Report and Recommendation (ECF No. 20) is hereby ACCEPTED and ADOPTED as the opinion of the Court.
2. Defendant's motion for summary judgment (ECF No. 15) is hereby DENIED.
3. Plaintiff's motion for summary judgment (ECF No. 11) is hereby GRANTED IN PART, as detailed in the Report and Recommendation.
4. The judgment of the Commissioner is hereby VACATED, and this case is REMANDED to the Commission for rehearing in accordance with the Report and Recommendation and the fourth sentence of 42 U.S.C. § 405(g).
5. This case is now CLOSED.

Let the Clerk file a copy of this Order electronically and notify all counsel of record.

It is SO ORDERED.


_____/s/_____
David J. Novak
United States District Judge

Richmond, Virginia
Date: January 31, 2024